

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Burwell et al. Attorney Docket No: CHEN0189
Serial No: 10/799,357 Group Art Unit: 3739
Filed: March 12, 2004 Examiner: Johnson III, Henry M
Title: LIGHT GENERATING DEVICE TO INTRAVASCULAR USE
ELECTION IN RESPONSE TO RESTRICTION REQUIREMENT

Bellevue, Washington 98004

October 3, 2006

TO THE DIRECTOR OF THE PATENT AND TRADEMARK OFFICE:

The following is in response to a Restriction Requirement mailed September 5, 2006, in which the Examiner restricted the above-identified patent application. The Examiner indicates that there are two groups of patentably distinct inventions defined by the claims in this application. Group I, which the Examiner indicates is directed to apparatus for light therapy, includes Claims 1-50, and Group II, which the Examiner indicates is directed to surgical methods, includes Claims 51-58.

The Examiner has further noted that Group I encompasses a plurality of different species, including:

- Species 1 (the embodiment of FIGURE 1);
- Species 2 (the embodiment of FIGURE 4A);
- Species 3 (the embodiment of FIGURE 5);
- Species 4 (the embodiment of FIGURE 10);
- Species 5 (the embodiment of FIGURE 11);
- Species 6 (the embodiment of FIGURE 13A); and
- Species 7 (the embodiment of FIGURE 14A).

Election:

In response to this Restriction, applicants hereby affirmatively elect the claims of Group I (i.e., Claims 1-50), without traverse, subject to applicants' right to file one or more divisional applications directed to the non-elected inventions. With respect to a species election, applicants

1 hereby affirmatively elect Species 1 (the embodiment of FIGURE 1). The claims readable upon
2 Species 1 include Claims 1, 2, 4-8, 30-33, 36, 37, 40, 41, 43, and 45. Significantly, Claim 1 is
3 generic to Species 1 and 2, and Claim 30 is generic to Species 1-7.

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5 Respectfully submitted,

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